

Our Reference: OW/2025/2181  
CS Portal Reference: DA-43520  
Officer: Andrew Lilley  
Contact: 07 4688 6357  
Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

## Development Application Decision Notice APPROVAL

*Planning Act 2016 Section 63*

The Finnie Group  
C/- Am Civil Consulting Engineers  
PO Box 11235  
CENTENARY HEIGHTS QLD 4350

Email: [andrew@amcivildesign.com.au](mailto:andrew@amcivildesign.com.au)

15 July 2025

Dear Sir/Madam

**Location:** 71 & 89-99 Cambooya Street & 55 Lynch Street, DRAYTON QLD 4350  
**Property Description:** Lot 30 SP318804, Lot 11 D133637, Lot 4 D1064  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

The Development Application for Operational Works Road work Drainage work Stormwater Earthworks Water infrastructure and Sewage infrastructure for the abovementioned property has been assessed and approved with Conditions. The decision was made on 14 July 2025. The following provides all the relevant details:

### Details of Approval

Development Permit – Operational Works Road work Drainage work Stormwater Earthworks Water infrastructure and Sewage infrastructure

### Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

### Currency Period

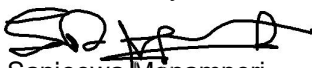
In accordance with section 85(1)(c)(i) of the *Planning Act 2016* (Qld), this Development Approval lapses if the development does not substantially start within two (2) years of this Development Approval starting to have effect.

### Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via: <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Sanjeewa Manamperi  
Principal Engineer, Development Infrastructure and Growth

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR OPERATIONAL WORKS

<b>APPLICATION NUMBER:</b>	OW/2025/2181
<b>APPLICANT:</b>	The Finnie Group
<b>LOCATION:</b>	71 & 89-99 Cambooya Street & 55 Lynch Street, DRAYTON QLD 4350
<b>REAL PROPERTY DESCRIPTION:</b>	Lot 30 SP318804, Lot 11 D133637, Lot 4 D1064
<b>APPROVED USE:</b>	Road work Drainage work Stormwater Earthworks Water infrastructure and Sewage infrastructure

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### GENERAL

##### APPROVED DEVELOPMENT

1. This Development Approval is for carrying out operational work for:
  - 1.1 Bulk Earthworks;
  - 1.2 Road works;
  - 1.3 Wastewater Reticulation;
  - 1.4 Water Reticulation;
  - 1.5 Retaining Walls;
  - 1.6 Stormwater Infrastructure; and
  - 1.7 Vehicular Access.

##### CARRY OUT AND MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Toowoomba Regional Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to acceptance of the works on maintenance, and thereafter.
4. All work associated with this Development Approval must be completed within two (2) years of a pre-start meeting being held.

##### APPROVED DRAWINGS

5. The development must be carried out generally in accordance with the Approved Drawings listed below, subject to the conditions of this Development Approval and any amendments listed below:

**Drawing No:** 384 C-10 Revision A  
**Description:** Cover Sheet Locality Plan & Notes, Prepared by AM Civil Consulting Engineers, 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-100 Revision B  
**Description:** Roadworks & Drainage Layout Plan, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-101 Revision A  
**Description:** Masterplan Drainage Layout, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-200 Revision B  
**Description:** Bulk Earthworks Layout Plan, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-201 Revision A  
**Description:** Site Sections Sheet 1, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-202 Revision B  
**Description:** Site Sections Sheet 2, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-210 Revision A  
**Description:** Bulk Earthworks & Retaining Wall Details, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** In accordance with Conditions 14.1, 42 & 43.

**Drawing No:** 384 C-300 Revision A  
**Description:** Roadworks Notes & Details, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-301 Revision A  
**Description:** Concrete Pavement Notes & Details, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-302 Revision B  
**Description:** Road Typical Cross Sections, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-310 Revision A  
**Description:** Lynch Street Long Section, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-311 Revision A  
**Description:** Lynch Street Cross Sections, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-312 Revision A  
**Description:** Road 1 Long Section, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-313 Revision A  
**Description:** Road 1 Cross Sections, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-320 Revision A  
**Description:** Intersection Details Plan, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-400 Revision A  
**Description:** Stormwater Catchment Plan, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-410 Revision B  
**Description:** Stormwater Long Sections 39%AEP Sheet 1, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-411 Revision A  
**Description:** Stormwater Long Sections 39%AEP Sheet 2, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-412 Revision A  
**Description:** Stormwater Long Sections Interallotment, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-420 Revision A  
**Description:** Stormwater Notes & Details, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-440 Revision D  
**Description:** Stormwater Calculations 39%AEP, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-441 Revision A  
**Description:** Stormwater Calculations 1%AEP, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-500 Revision B  
**Description:** Sewer Reticulation Plan, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-510 Revision A  
**Description:** Sewer Reticulation Longitudinal Sections Sheet 1, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-511 Revision A  
**Description:** Sewer Reticulation Longitudinal Sections Sheet 2, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

**Drawing No:** 384 C-600 Revision B  
**Description:** Water Reticulation Plan, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-700 Revision B  
**Description:** Erosion & Sediment Control Plan Phase 1, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-701 Revision B  
**Description:** Erosion & Sediment Control Plan Phase 2 Landscaping Plan, Prepared by AM Civil Consulting Engineers, Dated 31 May 2025  
**Amendments:** Nil

**Drawing No:** 384 C-710 Revision A  
**Description:** Erosion & Sediment Control Plan Notes & Details, Prepared by AM Civil Consulting Engineers, Dated 21 February 2025  
**Amendments:** Nil

6. Any drawings to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted and approved by Council five (5) business days prior to a request for prestart, prior to the issue of any additional Operational Works approval, Building Works approval or Council's approval of plumbing and drainage works, or prior to commencement of use, whichever occurs first if applicable.

#### **COMPLETION PERIOD**

7. In accordance with section 88(1) of the *Planning Act 2016* (Qld), this Development Approval lapses if the development is not completed within 2 years of a pre-start meeting being held.

#### **FEES, CHARGES AND SECURITIES**

8. The following estimates of construction costs have been used to determine the amounts provided in the 'Request for Payment':

8.1 Subdivision Infrastructure;           \$ 925,416.00

9. Following satisfactory inspection of the completed works, and acceptance of the works "on maintenance", a minimum of 12 month "defects liability period" will apply. During this time, a security will be retained to ensure correction of any defects in the constructed works. The fees, charges and securities detailed in the attached 'Statement of Fees' must be paid before and prior to Council accepting the works on-maintenance. The following security against defects will apply:

9.1 Subdivision Infrastructure;           \$ 92,542.00

#### **EASEMENTS**

10. An easement for sewerage purposes must be registered in favour of Council against the title of proposed Lot 35. The easement must be a minimum 4 metres wide and must be located over the proposed easement identified on the Approved Plans and included on the Plan of Subdivision for Council's approval.

11. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
12. Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.
13. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

*Note: Council will not take or purchase land in accordance with section 263 of the Planning Act 2016 in order to allow the construction of drainage infrastructure on adjoining land to facilitate the development.*

## **CONSTRUCTION REQUIREMENTS**

### **PRE-START MEETING**

14. A pre-start meeting as outlined in *Planning Scheme Policy No 2 SC6.2.7.9* attended by Council's officers, the Supervising Engineer and the Contractor, must be arranged by the Supervising Engineer and held at a time and place mutually convenient to all attendees.
  - 14.1 Prior to a request for a pre-start meeting, structural design drawings for all retaining walls are to be submitted for Council approval.

*Note: Pre-Start prerequisites include but are not limited to the provisions of Planning Scheme Policy No 2 SC6.2.7.9, 6.2.7.7.2 and the conditions of this approval.*
15. At the pre-start meeting, the Supervising Engineer must provide to Council a Project Quality Plan and have received approval from Council prior to works commencing.

### **HOURS OF CONSTRUCTION**

16. Unless otherwise approved in writing by Council approved hours of construction are between the hours of 6.30 am to 6.30 pm Monday to Saturday.
17. Unless otherwise approved in writing by Council no works are permitted on public holidays.
18. Any activities which cause noise nuisance must not be carried out on the subject land outside the approved hours of construction or on Sundays or Public Holidays.

### **CONSTRUCTION WORKS**

19. The construction works shall be in accordance with the requirements outlined in *Planning Scheme Policy No 2 SC6.2.7.7*.
20. During the course of construction works:
  - 20.1 Ensure that the works are carried out by a qualified contractor;
  - 20.2 Accept responsibility for all aspects of the works, including public safety; and
  - 20.3 Ensure adequate barricades, signage and other warning devices are in place at all times.
21. A minimum of \$10 million of Public Liability Insurance and Workers Compensation Insurance must be secured at all times throughout the construction and maintenance periods by the developer /contractor..

## **VERGE WORKS**

22. All work carried out in the road reserve must be carried out during daylight hours only unless approved otherwise by Council. No excavations, stockpiles of material or other hazards or obstructions are to be left on the verge during hours of darkness.

*Note: Should access to footpaths, verge or road need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

## **DAMAGE TO SERVICES & ASSETS**

23. Protect Council and public utility services and assets during construction of the development.
24. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
- 24.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 24.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
25. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
26. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

*Note: Council must be notified of any damage to water and sewer immediately 131 872*

## **PEDESTRIAN AND CYCLIST SAFETY**

27. Safe pedestrian and cyclist access along Council's footpaths must be maintained at all times.

*Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

## **EROSION AND SEDIMENT CONTROL**

28. Erosion and sediment control measures in accordance with *Planning Scheme Policy PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* must be implemented as necessary, and must be maintained at all times during the works period.
28. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
30. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
31. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.

32. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to prevent site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period.

## **WORKS**

### **STORMWATER DRAINAGE**

33. All stormwater drainage works carried out under this Development Approval must comply with *Planning Scheme Policy PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.
34. Stormwater quality must be ensured by the use of stormwater quality best management practice.
35. All land adjoining the development must be protected at all times from ponding or nuisance from stormwater resulting from the development.

### **WASTEWATER INFRASTRUCTURE**

36. Construction of the wastewater reticulation systems must be in accordance with Council's *Wastewater Infrastructure Policy 2.04* at no cost to Council.
37. Any connection to or modification of Council's live wastewater infrastructure must be undertaken by Council at no cost to Council.

*Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council. The request requires a copy of the corresponding Council approval including stamped approved drawings.*

*Note: Please note any new connection or reconnection to a Council wastewater system requires a Form 1 Plumbing approval prior to house drainage being installed.*

38. The minimum required cover and clearances to new or Council's existing wastewater infrastructure must be maintained unless otherwise approved in writing by Council. Where the location and levels of existing services are unknown, the contractor must pothole to establish the accurate location and level. Any existing services not previously identified must be included on amended detailed design drawings, which must be submitted to Council for approval a minimum of 5 business days prior to this Operational Works pre-start meeting.
39. Sewer maintenance holes must be vacuum tested (negative pressure) in accordance with WSA02-2014 CI 21.4.5. Council reserves the right to nominate different maintenance holes to what the independent testing organisation may select for test locations. The nominated test locations must be submitted to Council a minimum of 5 days prior to testing occurring.
40. Any alterations or adjustments required to existing wastewater maintenance holes to comply with the finished levels for the development must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
41. Brass or grade 304 stainless steel Indicator Discs must be accurately installed on the faces of opposing concrete kerbs to indicate the alignment of all sewer main crossings of roadways, denoted as 'S'.
42. Sewer connection points must be located at a minimum distance of 1.0m clear of retaining wall structure(s). The presence of retaining wall structures would make this clearance takes precedence over general property boundary minimum offsets.

43. Any retaining wall structures constructed parallel to sewer mains must be located at a minimum clearance of 1.0m clear sewer mains. Any pier foundations must be 0.9m minimum clearance from the edge of piers to sewer mains.

#### **WATER SUPPLY INFRASTRUCTURE**

44. Construction of water supply reticulation systems must be carried out in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

45. All live connections to the existing water supply networks and water meter installations must be carried out by Council at no cost to Council.

*Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council. The request requires a copy of the corresponding Council approval including stamped approved drawings.*

46. Any unnecessary water service connections must be compliantly disconnected, and meters recovered by Council at no cost to Council.

47. Fire Hydrants and Valves must be installed in accordance with the Water Services Association of Australia (WSAA) *WSA 03—2011-3.1, 8 Section APPURTENANCES and Council Addendum to WSA 03 – 2011.*

48. Where property service connections are required to cross the road, enveloping conduits must be installed fully extending from the water main across to the opposing front property boundary without any bends. The enveloping conduit installation must be installed by the Contractor in accordance with Council's Standard Drawing Number 101214-001.

49. Retro-reflective pavement markers (RRPM) and kerb marker plates must be provided in accordance with the Eastern Downs Regional Organisation of Councils (EDROC) *Drawing Number EDROC-33.*

50. Brass or grade 304 stainless steel Indicator Discs must be accurately installed on the faces of opposing concrete kerbs to indicate the alignment of all crossings of roadways for water mains or water services, denoted as 'W'.

51. The minimum required cover and clearances to new or Council's existing water infrastructure (including thrust blocks) must be maintained unless approved by Council. Where the location and levels of existing services are unknown, the contractor must pothole to establish the accurate location and level. Any existing services not previously identified must be included on amended detailed design drawings, which must be submitted to Council for approval a minimum of 5 business days prior to this Operational Works pre-start meeting.

#### **VEHICULAR ACCESS**

52. The vehicle accesses (crossing of the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia Drawings *RSD-100 Residential Driveways – Plan 1 of 2 and RSD-101 Residential Driveways Plan 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;

53. The vehicle accesses (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath.

54. The vehicle accesses (crossing of the verge) must be located a minimum 1 metre clear of existing maintenance holes, fire hydrants, power poles, streetlights, or signage (unless otherwise approved herein).
55. Undertake any necessary relocation of all existing services clear of the vehicle accesses (crossing of the verge) that will serve the subject land and contact all relevant service authorities and comply with their requirements in relation to these works.
56. Any removal or modification of any existing Council traffic signs and/or parking bays must obtain the separate written approval of Council's Principal Engineer – Road Operations.

## **EARTHWORKS AND RETAINING WALLS**

57. All earthworks and retaining walls must be undertaken and constructed in accordance with:
  - 57.1 the approved drawings and documents; and
  - 57.2 where not otherwise specified in the approved drawings and documents, in accordance with *Planning Scheme Policy SC6.2.5 – Earthworks* in the *Toowoomba Regional Planning Scheme*.
58. All earthworks, including batters, must be fully contained within the subject land and must not in any way impact on the properties adjoining the subject land.
59. The transport routes for the haulage of material between the subject land and land receiving or sourcing fill shall be identified and submitted to Council's Roads Operation Branch for approval prior to the commencement of transport operations.
60. All retaining walls adjacent to a Council controlled space (e.g. road reserve, public open space, easements, pedestrian links and drainage reserves) are to have permanent fencing installed prior to the acceptance of the works on maintenance. Endorsement by Council of the design and construction details of the fencing to be installed must be granted prior to works commencing on the construction of the fences.

*Note: The purpose of the fencing is to ensure both safety and aesthetic outcomes are appropriately addressed.*

61. All retaining walls over 1m in height that share property boundaries between lots must have a minimum of temporary safety fencing installed prior to works being accepted on maintenance. The temporary safety fencing must be maintained by the Applicant until the property is disposed of or until permanent fencing is installed.

*Note: The purpose of the temporary safety fencing is to prevent falls and injury to persons.*

*Note: These conditions must be in accordance with any fencing conditions in an associated relevant approval.*

## **SIGNAGE AND LINEMARKING**

62. All works on or near roadways must be adequately signed in accordance with Toowoomba Regional Council Planning Scheme Policy *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* as well as the Department of Transport and Main Roads *Manual of Uniform Traffic Control Devices (MUTCD)*.
 

*Note: Any road or lane closures will require written application to Council, and all conditions of Council approval must be complied with throughout construction of the works.*
63. All street signs and line marking must be installed and/or modified to suit the new works in accordance with Toowoomba Regional Council Planning Scheme Policy *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* as well as the Department of Transport and Main

Roads *Manual of Uniform Traffic Control Devices (MUTCD)* prior to acceptance of the works on-maintenance.

64. Any removal or modification of any existing Council traffic signs and/or parking bays will require the separate written approval of Council's Principal Engineer – Road Operations.

#### **PAVEMENT DESIGN**

65. The pavement design for all roads must be confirmed after in-situ subgrade testing prior to construction of the pavement. Pavement design details and test results must be submitted and approved by Council a minimum of five (5) business days prior to commencement of pavement works on the subject land.

#### **STREET LIGHTING**

66. The street lighting design and installation must comply with *Planning Scheme Policy SC6.2.6 – Road and public space lighting*.

#### **WORKS INSPECTIONS**

67. During the construction phase, Council must be given at least 48 hours' notice to carry out the following joint inspections where applicable:

67.1 Proof rolling and profile of subgrade;

67.2 Proof rolling and profile of base course;

67.3 Pre-seal inspection of pavements;

67.4 Underground pipework, including property connections and thrust blocks, prior to backfilling;

67.5 Pressure tests for water supply and wastewater pipes and manholes; and

67.6 Other inspections as deemed necessary by Council.

*Note: No liability or warranty is implied or expressed by any inspection or the absence of any inspection, or by a Council decision relating thereto.*

68. Prior to the on-maintenance inspection, the completed and signed Project Quality Plan and all construction test results for all works approved under this development approval must be lodged with Council for review and Council records. If the results are incomplete or unsatisfactory, the works (including any necessary remedial works as applicable) will not be accepted on maintenance until complete and satisfactory testing is undertaken and/or results are lodged with Council.

#### **CERTIFICATION OF CONSTRUCTION WORKS**

69. A supervision certificate completed by a Registered Professional Engineer of Queensland – Civil must be provided upon completion of the works certifying that the works have been completed in accordance with the approved plans and specifications.

70. The Registered Professional Engineer of Queensland performing any task or function associated with the proposed works must hold professional indemnity insurance to the value of \$2 million.

#### **AS-CONSTRUCTED DRAWINGS & ACCOMPANYING ADAC XML DIGITAL FILE**

71. The As-Constructed package of data consisting of the following, must be provided prior to acceptance of the works on-maintenance or before commencement of use:

- 71.1 Red-lined marked-up “Approved for Construction” Drawings showing changes to construction materials, design levels, locational details and other amendments from the approved design that may have occurred during the Operational Works phase.
- Marked-up drawings to be submitted in PDF file format only and to be clear and legible when printed at A3 scale;
  - All pages are to include a signed Certification Block endorsed by:
    - an RPEQ Registered Engineer attesting to the accuracy of the engineering aspects and materials noted on the drawings; and
    - Registered Surveyor verifying the accuracy of the locational details, relative levels, boundaries and alignments as shown on the drawings.
- 71.2 An accompanying compliant ADAC XML and DWG files to be submitted with all details and values (e.g. survey levels, material types) matching the associated marked-up As-Constructed drawings including details of any retired and/or removed existing assets.

*Note: Further details, including a sample “Downloadable” drawing template and guidelines on the preparation of both the As-Constructed Drawings and accompanying ADAC XML files can be found on Councils website.*

## **B. ADVICES:**

### **RELIANCE ON ENGINEER’S CERTIFICATION**

- 1) In approving plans and specifications for this project, Council has carried out an audit check of information submitted by AM Civil Consulting Engineers. Accordingly, Council has placed reliance on the certificate of design signed by the Registered Professional Engineer Queensland (RPEQ) that the Approved Plans and specifications are correct and in accordance with required engineering standards. The RPEQ bears full responsibility for all aspects of the engineering design. Council reserves the right to require further amendments and/or additions at a later stage, should design errors become apparent.

### **WHEN APPROVAL TAKES EFFECT**

- 2) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

### **WHEN APPROVAL LAPSES**

- 3) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

### **OTHER LAWS & REQUIREMENTS**

- 4) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder’s responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 5) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council’s Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council’s website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au).

- 6) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

### **EXTRACTIVE ACTIVITIES**

- 7) In accordance with the *Environmental Protection Act 1994*, a separate approval from the Department of Environment and Science (Department) to carry out Environmentally Relevant Activity: *ERA16 - Extractive and screening activities* may be required prior to commencing earthworks. You should contact the Department on 1300 130 372 (select Option 4) to seek advice if such an approval is required based on the specifics of this approval.

### **ENVIRONMENTAL HARM**

- 8) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

### **ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999**

- 9) An additional approval from the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be required in relation to the approved development. The EPBC Act relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the EPBC Act.

Contact the Australian Government Department of Agriculture, Water and the Environment to discuss any obligations under the EPBC Act.

### **STREET TREE DISTURBANCE & REMOVAL APPROVAL**

- 10) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Services Branch via Council's Customer Service Centre for further information in respect of street trees.

### **WATER POLLUTION**

- 11) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not

be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

### **ABORIGINAL CULTURAL HERITAGE ACT 2003**

- 12) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* (“ACH Act”).

The ACH Act establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnership (DATSIP) Cultural Heritage Unit to discuss any obligations under the ACH Act.

### **FIRE ANTS**

- 13) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Nature Conservation (Plants) Regulation 2020* apply, compliance with statutory provisions must be achieved.

### **PROJECT QUALITY PLANS**

- 14) Examples of typical Development Project Quality Plans are included in the Appendices of PSP No 2 Engineering Standards – Roads and Drainage Infrastructure. Please contact Council if you require assistance locating or compiling example Development Project Quality Plans for water and sewer.

#### **C. ATTACHED POLICIES AND/OR STANDARDS:**

- Approved Plans
- Amended Plan Required to Be Submitted for Approval
- Appeal provisions pursuant to the *Planning Act 2016*.

## Chapter 6, Part 1 of the Planning Act 2016 Appeal rights

### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for an appeal relating to the Plumbing and Drainage Act 2018—
    - (i) for an appeal against an enforcement notice given because of a belief mentioned in the Plumbing and Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
    - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the Plumbing and Drainage Act 2018—5 business days after the notice is given; or
    - (iii) otherwise—20 business days after the day the notice is given; or
  - (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

- (a) the respondent for the appeal; and
- (b) each co-respondent for the appeal; and
- (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

### (4) The service period is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—

- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
- (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

(7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Non-appealable decisions and matters

(1) Subject to this chapter, section 316(2) schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

(2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

(3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—  
decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### 232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.

(2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.